

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LAURENS COUNTY
Court of General Sessions
Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2018-001684

RECEIVED
FEB 27 2019
SC Court of Appeals

The State,..... Respondent,

v.

Michael Cliff Eubanks, Appellant.

***Petition to Extend Time to File Initial Brief of Appellant and Designation of Matter to
be Included in the Record on Appeal***

Michael Cliff Eubanks petitions this Court for an order extending the time to file his Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal. This motion is based on the following grounds.

- 1) Counsel for Mr. Eubanks challenged the accuracy of the transcript. By letter dated February 7, 2019, Court Administration informed this Court and counsel that the transcript had been reviewed and errors were corrected.
- 2) Undersigned counsel received the corrected transcript on February 18, 2019 and notified this Court of receipt of the transcript by letter dated February 20, 2019.
- 3) Pursuant to this Court's order dated January 24, 2019, Mr. Eubank's Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal are due today, Monday, February 25, 2019.

4) Undersigned counsel has been working on this case but has not had time to draft the brief since receiving the corrected transcript.

5) This request is based on undersigned counsel's workload and is not intended for delay. Since the beginning of 2019, counsel's other professional obligations have included:

- a) Counsel attended a court ordered mediation on January 14, 2019 in *Coats v. Pope, et. al.*, Case No. 1:17-cv-02930-TLW-SVH (a wrongful death case); counsel also attended depositions in this case on January 29, 30, and 31, 2019 and February 19, 2019;
- b) Counsel participated in a day long trial on January 16, 2019 in *Katie Harris v. State*, Spartanburg County Case No. 2017-CP-42-02140 (PCR in homicide by child abuse case);
- c) Counsel participated two day trial on January 22-23, 2019 in *State v. Jared Waning* (SC National Guard Court-Martial);
- d) Counsel participated in the evidentiary hearing on January 24, 2019 in *Curtis Elgin v. State*, Fairfield County Case No. 2012-CP-20-00232 (PCR in murder case);
- e) Counsel prepared for and participated in an oral argument in this Court on February 5, 2019 in *State v. Edward Dean*, Appellate Case No. 2016-001004;
- f) Counsel filed the Initial Brief of Appellant on February 8, 2019 in *Quincy Allen v. S.C. Department of Corrections*, Appellate Case No. 2018-002046; and
- g) Counsel is preparing for a date certain jury trial scheduled to begin on March 4, 2019 in *State v. Joshua Eric Parham*, a Greenwood County first-degree criminal sexual conduct with a minor case.

6) This extension is necessary for counsel to effectively brief the issues in this appeal. See *Smith v. Robbins*, 528 U.S. 259 (2000), *Evitts v. Lucey*, 469 U.S. 387, 396

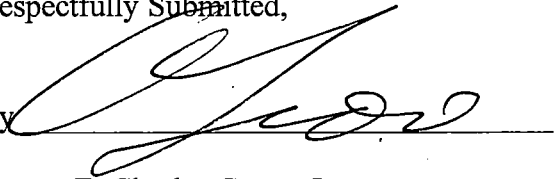
(1985); *see also* *Patrick v. State*, 349 S.C. 203, 562 S.E.2d 609 (2002), *Southerland v. State*, 337 S.C. 610, 524 S.E.2d 833 (1999).

Therefore, counsel for Mr. Eubanks respectfully requests this Court issue an order extending to the time to file Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal to Wednesday, March 27, 2019.

IT IS SO MOVED.

Respectfully Submitted,

By



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Attorney for Michael Cliff Eubanks

February 25, 2019
Greenwood, South Carolina

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The State,..... Respondent,

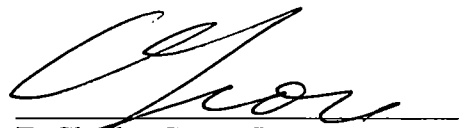
v.

Michael Cliff Eubanks, Appellant.

Certificate of Service

I certify that I have served this pleading on the State of South Carolina by placing a copy in the United States Mail, postage prepaid, on the date reflected below, addressed to:

J. Benjamin Aplin, Esquire
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211



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February 25, 2019.

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February 25, 2019

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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Re: *State of South Carolina v. Michael Cliff Eubanks*
Appellate Case No. 2018-001684

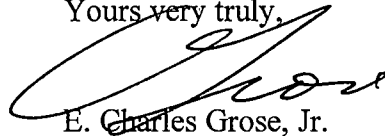
Dear Ms. Kitchings:

Enclosed please find the original and six copies of Mr. Eubanks Petition to Extend Time to File Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal, along with a certificate of service.

Thank you for your attention to this matter. Please let me know if you have any questions or require additional information.

With kindest regards, I am

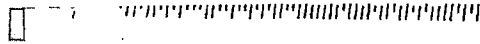
Yours very truly,



E. Charles Grose, Jr.

cc: Mr. Cliff Eubanks
J. Benjamin Aplin, Esquire

✓



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Greenwood, SC 29646



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